

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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|-------------------------------|---|--------------------------|
| ANTHONY G. ATKINSON, |) | |
| |) | |
| Plaintiff, |) | C/A No.3:04-604-CMC |
| |) | |
| v. |) | OPINION AND ORDER |
| |) | |
| M. EDWARD SELLERS, BLUE CROSS |) | |
| AND BLUE SHIELD OF SOUTH |) | |
| CAROLINA, AND WILLIAM R. |) | |
| HORTON, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff filed this action against his former employer and two of its officers or employees alleging race discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2002, *et seq.*, and breach of contract (settlement agreement entered December 20, 1999). Defendants filed a motion for summary judgment. In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation ("Report").

Magistrate Judge Marchant recommended that Defendants' motion be granted to the extent they sought summary judgment on the Title VII claims and that the state law contract claim be dismissed without prejudice. Dkt No. 43. The matter is presently before the court on Plaintiff's objections to the Report. Dkt No. 44 & 45 (supplement). *See also* Defendant's response at Dkt No. 46 (asking this court to adopt the Report and incorporating earlier memoranda).

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may

accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has carefully reviewed Plaintiff's objections, the Report, and all related documents. The court finds that the concerns raised by Plaintiff's objections are adequately and correctly addressed by Magistrate Judge Marchant in his Report. The court further agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that judgment be entered in Defendant's favor on Plaintiff's Title VII based claims and that the claim for breach of contract be dismissed without prejudice.

IT IS SO ORDERED.

S/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 23, 2005